

Course Classifieds / Spring 2020

1. Law 738- Business Torts- Professor Olson

The focus of the course is the protection of commercially valuable information. After an overview of the various components of intellectual property law, the focus is on trade secrets (the most commonly used method of protection in American business) and trademarks (often the most valuable type of protection for consumer-oriented businesses). Additional forms of protection including the protection of the right of publicity are also considered. The casebook used in Intellectual Property (Fall, 2018) is used for this course – no additional materials are required.

2. Law 740- Conflict of Law- Professor Olson

Choosing the substantive law applicable to a cause of action may transcend the law of the forum that is the law of the place where the action is brought. Similarly, multiple sources of law are potentially applicable to a cause of action. Against the often abstract policies which control the determination of the choice of law, and the identify of a conflict which justifies this analysis, a framework exists to resolve this complex issue. Conflict of laws is a bedrock doctrine in litigation with particular focus in tort law, contracts and domestic relations cases. The course also evaluates bar examination questions which have focused on conflicts issues.

3. Law 756- Trial Advocacy- Professor DiSalvo

Would you like to go into practice feeling comfortable and confident on your feet, no matter what the setting? Take Trial Ad!

We'll get those butterflies in your stomach to settle down and fly in formation. Whether you are before a judge, a jury, or a group of clients in a meeting, you'll be the person in the room who is comfortable and confident. You'll be the person folks will want to listen to.

Trial Advocacy has three phases.

- First week: a little bit of the trial ad philosophy and other foundational elements of the course. We meet M-W-F the first week.

- Next eight weeks: we focus on specific aspects of trial – opening, closing, direct, cross, etc. For almost all weeks, we meet M-W.
- Final four weeks: each student prepares and puts on a trial. A wrap-up class at the end of the semester.

No final exam.

Taking Appellate and Trial Advocacy simultaneously? Please know that I make every effort to accommodate requests to harmonize the date of one's trial with the date of one's App Ad argument. We have also successfully scheduled around weddings, pregnancies, and a variety of other events!

Questions? Send them my way – cdisalvo@wvu.edu

4. Law 607- Psychology for Lawyers- Professor Elkins

In **Psychology for Lawyers** many of you will be working with ideas and materials that are new to you. There is no expectation that you will have a background in psychology, or that you will have ever taken a psychology course of any kind. We will, in essence, be looking at psychology from the ground up. The idea is to find ways of thinking about psychology that help you better understand yourself and your clients, and in doing so, better understand the psychological dynamics that swirl around and in your life. The purpose of the course is to help you develop an understanding of psychology that you can put to use: as a student, in the practice of law, and in your everyday efforts to understand yourself and others. Psychology for Lawyers offers a new way of thinking about your work, yourself, your clients, and the psychological undertows you can expect to face in professional life.

Lawyers, by the nature of the work we do, are called on to be counselors as well sources of information about legal rules and legal problem-solvers. The best source of ideas (and underlying theories) about what it means to be a counselor turns out to be psychotherapy and psychological counseling. In being a counselor, you need to know something about yourself—you need a modicum of self-awareness and self-insight. One source (among others) that prompts self-awareness and focuses on self-understanding is what we learn about ourselves from psychotherapy, psychoanalysis, and analytical psychology. In class, we will spend considerable time reviewing video materials of psychotherapists, psychologists, psychiatrists, psychoanalysts, and Jungian therapists, talking about psychology and how they use psychological concepts in treating their patients. We are all, in some sense, patients in need of what we can learn from psychology. [An archived version of the spring | 2018 course website can be found at: <http://lawlit.net/psy2013/>]

5. Law 746- Lawyers and Literature- Professor Elkins

The basic idea for **Lawyers and Literature** can be simply put: A legal education provides you with a working knowledge of the law (more precisely, selected parts of it), and an understanding of how lawyers think, and how they put this thinking to work to solve problems for a client. One concern about legal education is that presents a distorted view of what it means to be a lawyer, and your legal education comes with little warning of what it means to adopt legal thinking and invest your life in a *legal persona*. In **Lawyers and Literature**, we ask, with the help of short stories, novellas, and a short foray into poetry: *What does it mean to be a lawyer?*

Traditional law school courses provide a host of answers to this question. Yet, the present array of answers offered is incomplete. Reading fiction—fiction in which we find law students, lawyers, judges—we see ourselves from a different perspective; we see ourselves in a different light. Thinking and talking about the lawyers we find in fiction, you will be invited to learn something about your self, and about what it means to be a lawyer.

[Lawyers and Literature is not a literary theory course, and there is no requirement of any previous study of English literature, or enrollment in any literature courses, to take this course. This said, literature students are welcome to take the course.]

An archived version of the 2018 **Lawyers and Literature** course website can be found at: <http://lawlit.net/lawyerslit/> [or you can find the website by Google search using the search terms: lawyers literature elkins]

6. Law 750- Alternative Dispute Resolution- Professor Rhee

Dispute Resolution (DR) is a theoretical and strategic survey introduction to conflict resolution in litigation, lawmaking, democratic society, and life. While focused on negotiation, arbitration, and mediation, DR shall also examine emotional intelligence, individual conflict resolution, democratic policy deliberation and discourse, decision theory, game theory, group facilitation, and criminal dispute resolution. DR's goal is to help students understand that all lawyering involves conflict and that all lawyers, therefore, need to be comfortable with recognizing and resolving conflict. Although students shall participate in videotaped simulations with constructive feedback, such simulations are for familiarization only. What distinguishes DR from Interviewing, Counseling, and Negotiation (ICN) is that ICN is focused on skills (like Trial Advocacy) whereas DR is focused on strategy, tactics, legal doctrine, and theory. Please email Will Rhee (william.rhee@mail.wvu.edu) with any questions.

7. Law 667- MBE Skills Workshop (Online)- Professor Trychta

This is an online, self-paced, two-credit, pass/fail bar exam preparation course open to any student in their final semester of law school. Students will watch pre-recorded video lectures reviewing select substantive areas of the law and then complete multiple-choice quizzes as homework, in preparation for the multistate component of the bar exam. Students will also receive assistance and guidance as they complete their bar exam application and character-and-fitness inquiry forms. A sample

syllabus will be posted to the new TWEN “Student Services” page as soon as it becomes available.

8. Law 762- Federal Courts- Professor Weishart

This is an advanced course in constitutional law and procedure which addresses when Article III courts may exercise jurisdiction and provide relief. If you are still reading this description after that first sentence, be encouraged that my approach will be practically oriented—designed for students planning to litigate in federal courts (odds are many of you) and for those planning to clerk for federal judges. Essentially, we will be discussing whether a case can be brought in federal court (instead of state court or an administrative agency), when a federal court should abstain from hearing a case, and the scope of a federal court’s authority once it properly exercises jurisdiction over a case. Topics will include the federal judicial function, subject matter jurisdiction, federal appellate review, justiciability doctrines, state sovereign immunity from suit, Section 1983 claims, statutory control of federal court jurisdiction, judicial abstention doctrines, *Bivens* actions, and suits against the United States. I anticipate a short writing assignment and a take-home exam.

9. Law 794N- Seminar: Schools, Race, Money, and More- Professor Weishart

This interdisciplinary seminar explores the relationship of law and policy in the administration of elementary and secondary public education in the United States. We will examine in-depth topics affecting most K–12 public school students: (1) the structure, hierarchy, and governance of public elementary and secondary education; (2) desegregation and resegregation; (3) school finance, including the state constitutional right to adequate and equitable educational opportunities; and (4) issues beyond schools, race, and money affecting educational outcomes. Students will prepare a research paper on an approved topic of their choice. Professor Weishart welcomes any questions you may have about this seminar.

10. Law 759- Civil Rights- Judge Volk

This course focuses on litigating civil rights claims against federal and state entities and officers using 42 U.S.C. § 1983. These types of cases account for a considerable portion of claims adjudicated in federal court. The Administrative Office of the United States Courts states, “A large number of civil rights cases are filed under 42 U.S.C. Section[]1983 . . . relating to . . . prisoner civil rights; deprivation of rights, personal property, and due process; and conspiracy to interfere with civil rights.

We will spend time on the federal constitutional rules governing police-citizen encounters, including the use of force. We will also address the governing law in a host of other scenarios, such as (1) inmates allegedly injured while in custody, (2)

child abuse resulting in injury or death ostensibly as a result of inaction by a child welfare agency, (3) alleged defamation of private citizens by governmental actors, (4) challenges to execution methods by those on death row, and many others. The class also addresses the strategies used in litigating and defending such cases, from pleading to post-trial motions. We will together surface the governing law through analysis of the principal cases and then apply that law through interactive group exercises and intense discussion. Depending upon class preference, the final examination may be either in-class or of the take-home variety.

11. Law 777- Health Care Torts- Professor Blake

While the American healthcare system is among the most expensive systems in the world, it suffers from serious quality problems and high rates of medical error. This course overviews the key regulatory and common law efforts to address the quality and safety of healthcare in America. Medical malpractice suits against hospitals and physicians will naturally be covered, but so will other key topics including privacy protections, the duty to treat, physician licensing and disciplinary proceedings, informed consent, doctor-patient relationships, and tort reform. This course is recommended for any student interested in health care law or personal injury.

12. Law 701- International Human Rights- Professor Martin

“Human rights” – everyone seems to discuss them, but few seem to understand them, or use the concept correctly. Whether it’s the war in Syria, resulting in millions of refugees looking for safety, contaminated water in West Virginia and Michigan, or cuts to welfare benefits, the term “human rights” is often used but not often well explained. International human rights law is about the way the international community answers serious questions about the relationship of individuals to the state, and the relationship between persons (including, perhaps, corporations) living together within a community. Among the issues we address in this three-credit course include: What duties do countries have to protect the rights of human beings? What exactly does it mean to have the right to life under international law? Do corporations have rights? And, if we have so many rights under international law, how *exactly* do you enforce them?

13. Law 729- Business Organizations- Professor Martin

So, you want to be a lawyer? Then why haven’t you signed up for Business Organizations yet? This four-credit course is at the foundation of any legal practice. In addition to being bar-tested material, the course is particularly crucial for those students interested in becoming corporate litigation or transactional lawyers. Even for students in a general law practice or even *criminal* lawyers to-be (white-collar crime, anyone?), this course is at the heart of most of the issues you will wrestle with. The course will start on Main Street (sole proprietorships; agency law – what happens when someone does work on someone else’s behalf and; business

partners) and go all of the way to Wall Street (where we will tackle fun issues such as insider trading! fiduciary duties! and how we *really* want corporations to behave). It's not quite *How to Get Away with Murder*, but I hope it will be entertaining nonetheless...

14. Law 779- Business Transactions Drafting- Professor Cowan

Transactional Skills: A lawyer who negotiates business deals and who designs business deal documents is sometimes called a "deal lawyer." Transactional Skills is a course designed to help you develop the skills you will need as an entry-level deal lawyer. The course is transaction-based. You will work on one or two case files. You will have the opportunity to experience being a transactional lawyer in simulated client conferences, in simulated negotiations, and in drafting agreements. Techniques for fact gathering, performing due diligence reviews, and interviewing clients will be considered. In simulations, you will have the opportunity to interview clients and to negotiate a business contract.

One or more guest speakers will address the class to provide insights into transactional law practice and to discuss issues relating to such practice. As part of the course, we will examine ethical issues that may arise in connection with transactional practice, such as dual representation, representation of business entities and their principles, business transactions with clients, duties to third parties, confidentiality, and obligations to regulatory authorities. During the semester, you will be drafting various documents used in connection with business transactions, including a retainer agreement, a confidentiality agreement, an opinion letter, and a business contract which you negotiate.

15. Law 774- Local Government Law- Professor Bastress

This course, also known as State and Local Government Law, examines intergovernmental relations from both a vertical and horizontal perspective. The vertical relations are those between local governments and the state government and those between local/state governments and the federal government. Horizontal relations are those between local governments and those between the states. Issues include the distribution of powers between governments, the creation and significance of boundaries, voting rights, state and local finance, and the business of government (delivery of services, tort liability, and public employment matters). Most of the substance of the course is derived from state and federal constitutional law. The text and the classes will take a generic approach (*i.e.*, not specific to WV), although West Virginia law will frequently be used to elaborate on subjects covered in the text. It's interesting stuff and would be useful for anyone who works for a government, who represents local governments (cities, counties, school boards, special purpose districts), or who sues the bastards.

16. LAW 663- Renewable Energy & Alternative Fuels- Professor Van Nostrand

This course focuses on the energy industry of the future, with a particular emphasis on the convergence of energy and environmental issues. The course includes a review of renewable energy sources (solar, wind, hydro, geothermal, bioenergy), other zero carbon sources (nuclear), and low-carbon energy sources (natural gas and coal with carbon capture and sequestration), along with a brief examination of the science and technology associated with producing energy from the various fuel sources as well as the relative cost-effectiveness of producing energy from the fuel source. The course will cover the federal renewable fuels standard—including the ongoing controversy about mandated production of advanced biofuels—and state and regional efforts to adopt low carbon fuel standards. The course will also cover the various approaches to encourage development of renewable energy and alternative fuels, including renewable portfolio standards, zero carbon standards, tax incentives, and utility programs such as net metering, feed-in tariffs zero emissions credits, and standard offer programs. Given the inter-disciplinary nature of the course (science and economics alongside law and policy), the course fulfills the perspective requirement.